

fertilization that are going to be discarded. Read the bill:

Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

#### Written consent.

The individuals seeking fertility treatment donated the embryos with written informed consent and without receiving any financial or other inducements to make the donation.

It has to be determined, before any embryo could ever be used for stem cell derivation, that the embryos would never be implanted in a woman and would otherwise be discarded. Every day, fertility clinics discard unwanted embryos. People have IVF—50,000 babies were born last year to couples who wanted to have a baby and could not and needed IVF. But some embryos were left over. Well, couples who have had their children then call up the clinic or the clinic calls them and the clinic says: Do you want to continue to pay for us to keep these embryos frozen?

If you have had your children and you don't want to expand your family, you say: No, I don't want to pay for that anymore. Guess what. The IVF clinic discards it. I have heard they basically throw them in the sink and wash them down the sink. They are only as big as a period at the end of a sentence.

So the real question for us really comes down to that, unless we want to outlaw in vitro fertilization and make it a crime, which I don't hear anybody here wanting to do. As long as we have in vitro fertilization and have leftover embryos, the real question for us is this: If the donors of those embryos, through written informed consent, determine it will never be implanted in a woman and will be discarded, is it better to have them discarded and flushed down the drain or used for the kind of scientific research that will cure Lauren Stanford of her diabetes? Potential life versus real life. Potential life that will be discarded versus real life. Potential life that will be flushed down the drain versus Lauren Stanford, real life. That is the question for us.

We hear all of these arguments around here about we were all an embryo at one time. Of course we were. The question is, What happens to all those embryos? Right now, they are being discarded, and it is perfectly legal to do so. I don't see anyone here with legislation saying it is going to be a crime for them to be discarded, a crime to have in vitro fertilization. Really, that is the choice. Do we discard potential life or do we use it to save real life? This is not potential life, this is real.

My nephew Kelly, who suffered a tragic accident on an aircraft carrier 27 years ago, hasn't walked since. He keeps hope alive that one day he will walk again. He knows about the research that has been done on rats and

mice where spinal cords have been reconnected using embryonic stem cells. He knows that. I have never heard him say it, but I suppose he would probably echo what Christopher Reeve once said: Oh, to be a rat.

He knows that. That is real life. Kelly is a real person. He is alive. He is not potential life. That is our decision when we face the vote tomorrow on H.R. 810.

So all these other arguments about adult stem cells and this kind of stuff, fine, I have nothing against adult stem cell research. I am in favor of it. We ought to keep it going. But to choke off—not what I say but what the leading scientists say, the leading Nobel Prize winners say, what all of these disease groups who have medical people sitting on their boards, what they all say is the most promising avenue of research for curing Alzheimer's, juvenile diabetes, spinal cord injuries, Parkinson's, and ALS, the most promising is not adult stem cells. It is embryonic stem cells. That is what they say, not me.

To cut that off and to say, no, we won't do it is telling Lauren Stanford that potential life, that an embryo the size of a pencil dot, yes, is life; it is human potential that is as important as she is; that they have equal weight on the scales. I am sorry, Mr. President, I don't think so, not when it is going to be discarded, legally thrown down the drain. And as long as we have strict ethical guidelines in the bill—strict ethical guidelines, more than exists right now, stronger ethical guidelines than are in the law right now.

To me, there is really only one answer. We should be in favor of this real life of curing diseases, seeking treatments and cures in an ethical manner, which is what this bill does. So I hope that tomorrow we have an overwhelming vote in favor of H.R. 810.

I understand today the administration came out with a Statement of Administration Policy, or SAP as it is called around here, saying the President would veto it. I hope the President rethinks this. He is overseas anyway. Let's face it, we are all kind of captives of our staff around here. Staff tells us this and that. OMB says this, OMB says that. I am hopeful this is the work of some staff, that the President hasn't thought about it. He has been overseas focused on the G8; now, I am sure, focused on the Middle East.

I hope when President Bush thinks about it that he remembers Lauren Stanford, that he will remember the letter from Nancy Reagan and he will come down on the side of real life, and he will come down on the side of an ethical approach to embryonic stem cell research.

I still believe in miracles, and I hope a miracle will occur and the President of the United States finds it in his heart to say that what he did on August 9, 2001, was done with a lack of adequate knowledge. He can say: Look, we thought there were 78 lines, and

there were not; there were only 21 lines. We didn't know they were all contaminated with mouse feeder cells. They can't be used for human therapies. That he will say in light of all that we know now, and with the strict ethical guidelines we have in this bill, I see fit to sign into law H.R. 810.

That is my hope. That is the hope of Lauren Stanford. That is the hope of the millions of Americans out there who suffer from Alzheimer's, the millions who suffer from spinal cord injuries and their families and caregivers and Parkinson's and ALS, and so many more.

Tonight they are praying—they are praying—that a miracle occurs and that the President will change his mind and sign this bill. And until the very moment that he vetoes it, I will remain hopeful that miracle will occur.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, so ordered.

#### MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE GREAT COMPROMISE; AN AMERICAN MOMENT

Mr. BYRD. Mr. President, yesterday, July 16, was the anniversary of one of the greatest events in American history. It was 219 years ago that our Founding Fathers were meeting at the Constitutional Convention in Philadelphia, attempting to formulate a workable plan of Government. At the time, the young American Government was operating under the Articles of Confederation, which every day was proving to be unworkable.

For 7 weeks, the Constitutional Convention had been working to devise a better form of Government, a "more perfect union." It would be a Government with three branches: an executive branch, a legislative branch, and a judicial branch. The branches of the Government would have separated powers and the ability to check and balance one another.

The Convention delegates had already made a number of important decisions about the structure of the Congress. The Convention had set the minimum age for Members of the Senate at 30 and a term length at 6 years, as opposed to 25 years of age for Members of the House of Representatives, who would have 2-year terms.

But then came the stumbling block, how the States would be represented in

Congress. Delegates from the large States believed that because their States contributed more to the Nation's financial and defensive resources, they should have greater representation in the legislative bodies. Small State delegates demanded that all States be equally represented in both Houses.

Hours, even days, of heated, contentious debate followed. A number of proposals, including one by Benjamin Franklin, were considered and rejected. Stalemate was in the air. Failure threatened the Convention and the youthful Republic was stymied, stopped in its tracks. If the Constitutional Convention collapsed, it meant that the American Government would have to continue operating under the flawed and failing Articles of Confederation.

So maybe it was a miracle in Philadelphia. It may have been divine intervention. Who knows. Perhaps it was because there were great political leaders and they acted as mature political statesmen. Politics, it is said, is the art of compromise. And this is exactly what our Founding Fathers did; they compromised. They worked out a compromise, the Great Compromise, also known as the Connecticut Compromise because it was designed by the Connecticut delegates Roger Sherman and Oliver Ellsworth. It provided a dual system of congressional representation. In the House of Representatives, every State would be assigned a number of seats in proportion to its population. In the Senate, all States would have the same number of seats.

Just 8 days after the Great Compromise was adopted, the Convention was able to elect a committee to draft a detailed Constitution embodying the fundamental principles of the proceedings.

Today, representation of the two Houses of Congress seems so logical and so accepted that we take it for granted. Perhaps it is for that reason that we pass this anniversary with very little notice, too little notice—that is a shame—and no fanfare. It was a crucial moment in history. An American moment. It should be recognized and honored and remembered.

Thou, too, sail on, O Ship of State!  
Sail on, O Union, strong and great!  
Humanity with all its fears,  
With all the hopes of future years,  
Is hanging breathless on thy fate!  
We know what Master laid thy keel,  
What Workmen wrought thy ribs of steel,  
Who made each mast, and sail, and rope,  
What anvils rang, what hammers beat,  
In what a forge and what a heat  
Were shaped the anchors of thy hope!  
Fear not each sudden and sound and shock,  
'Tis of the wave and not the rock;  
'Tis but the flapping of the sail,  
And not a rent made by the gale!  
In spite of rock and tempest's roar,  
In spite of false lights on the shore,  
Sail on, nor fear to breast the sea!  
Our hearts, our hopes, are all with thee,  
Our hearts, our hopes, our prayers, our tears,  
Our faith triumphant o'er our fears,  
Are all with thee—are all with thee!

Mr. DORGAN. Mr. President, let me thank the Senator from West Virginia for reminding us, once again, of an important part of this country's great history. He educates all of us on the floor of the Senate, and I appreciate his comments.

Mr. BYRD. Mr. President, I thank the distinguished Senator. Were it not for that compromise, we would not be here today. There would be no Senate. There would be no Republic as we know it.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

#### THE MIDDLE EAST

Mr. WARNER. Mr. President, I thank the distinguished Presiding Officer.

During the course of the day, there was brought to the attention of the Members of the Senate a resolution regarding the situation in the Middle East. It was my understanding this resolution would be brought to the Senate tonight and that presumably it would be agreed to by the Senate.

My concern is that there are certain additional matters which should be included. If the Senate is going to exercise the important act of bringing this up, seeking unanimous consent, and the message goes out all over the world that the Senate has spoken, I would support what is in this resolution. I believe now that is not going to take place tonight for various reasons.

It is imperative that I address what was to have taken place, what I was told was to have taken place, assuming the unanimous consent could be achieved on both sides.

No. 1, this matter is so important, it deserves an opportunity for a number of Senators to speak on a resolution of this import. I am now advised by our cloakroom that it will not be taken up tonight, but I will take this opportunity to address parts of it or at least one part that I think should bear further careful drafting and possibly be changed. Otherwise, it is only one section, on page 3, item 3, which says:

(3) urges the President to continue fully supporting Israel as Israel exercises its right of self-defense in Lebanon and Gaza;

There is no question about their right of self-defense against Hezbollah and Hamas, but I wondered whether we should draft it in this way.

I urge those, since we are not going to take it up tonight, to make sure there is not an ambiguity there because the people of Lebanon are suffering enormously at this time, as are the people in Gaza. Many of those people are not aligned with either Hezbollah or Hamas.

I am also concerned about the Government in Lebanon and the actions which are taking place now, what do we do if that Government were to fall.

I would vote for this resolution if it were brought up tonight. I would have addressed the Senate and brought up other matters which I will now discuss.

I turn now again to the fact that this is so important, it deserves the consideration of every Senator and a debate of some length. I don't know about the schedule of the Senate, but if we are going to go forward and send a message to the world about our position in the Senate with respect to the conflicts in Palestine, Lebanon, and Israel, and the suffering that is taking place on all borders, each side of the various borders, then it deserves very careful consideration.

The purpose of me taking the floor is to point out some areas which deserve full consideration in that debate which are not included. I don't criticize the drafter of this resolution, but it requires the consideration of the whole Senate rather than a unanimous consent with a number of Senators who may not be here tonight.

In the course of that debate, I urge a larger focus. For example, there is no mention in the resolution of some perhaps 25,000 Americans who are trapped or engulfed in one way in this conflict. How best do we address this conflict to help protect those 25,000 persons? That is an essential part of this debate.

Second, I said the following on Friday night in response to a press inquiry when I first learned of this conflict:

While I fully recognize that Israel was a victim of provocative attacks on her people and sovereignty, I urge the Administration to think through very carefully how Israel's extraordinary reaction could affect our operations in Iraq and our joint diplomatic efforts to resolve the Iranian nuclear issue.

This is a very critical time for the United States in the Middle East, and the Israeli actions will certainly have an impact beyond just Lebanon and Gaza.

I stand by that statement. That is why I urge, and I am pleased to say this resolution, at such time as it would be brought up, will be broadened to cover the other points.

First, are the 25,000 Americans trapped? Second, this Nation has made a very great sacrifice to achieve goals established by our President and a coalition of forces associated with our country in both Iraq and Afghanistan. Over 2,500 have lost their lives in Iraq; over 300 have lost their lives in Afghanistan. That is U.S. forces. Our coalition partners have lost. We have 20,000-plus wounded, many severely wounded in Iraq and Afghanistan. And \$436 billion is a rough calculation of just a part, not all, but a significant part of the investment of our country in achieving our goals in those nations, of stabilizing their governments now with free elections in both countries and hopefully enabling those governments to gain the strength to provide for the peoples of Iraq and Afghanistan, a measure of liberty and freedom and possibly democracy which we enjoy here and in other nations.

What is the effect of any statement made by the Senate? What is the effect on that very fragile situation in both countries? There is a resurgence in Afghanistan. I was just there a short time ago—and each of us have followed the